



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,403	12/30/2003	Earl L. Hatley	H0004635	7547
128	7590	04/20/2006	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			PATTERSON, MARC A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,403

Applicant(s)

HATLEY, EARL L.

Examiner

Marc A. Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
REPEATED REJECTIONS

1. The 35 U.S.C. 103(a) rejection of Claims 1 – 8, 10 – 17 and 19 – 23 as being unpatentable over Ohba et al (U.S. Patent No. 6,605,344 B1) in view of Moritani et al (U.S. Patent No. 5,069,946), of record on page 2 of the previous Action, is repeated.
2. The 35 U.S.C. 103(a) rejection of Claims 9 and 18 as being unpatentable over Ohba et al (U.S. Patent No. 6,605,344 B1) in view of Moritani et al (U.S. Patent No. 5,069,946) and further in view of Reading (U.S. Patent No. 3,038,811), of record on page 4 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

3. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 8, 10 – 17, 19 – 20 and 22 – 24 as being unpatentable over Ohba et al (U.S. Patent No. 6,605,344 B1) in view of Moritani et al (U.S. Patent No. 5,069,946) and 35 U.S.C. 103(a) rejection of Claims 9 and 18 as being unpatentable over Ohba et al (U.S. Patent No. 6,605,344 B1) in view of Moritani et al (U.S. Patent No. 5,069,946) and further in view of Reading (U.S. Patent No. 3,038,811), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page on page 3 of the remarks dated February 3, 2006, that coextrusion is not a known form of lamination.

However, the rejection does not state that coextrusion is a known form of lamination; the rejection only states that coextrusion and lamination are interchangeable.

Applicant also argues on page 3 that coextrusion and lamination are distinctly different processes, because in lamination, layers are attached to each other by pressing the layers together, whereas in coextrusion the layers are joined together as molten polymers and then cooled.

However, as stated above, the rejection does not state that coextrusion is a known form of lamination; the rejection only states that coextrusion and lamination are interchangeable.

Applicant also argues, on page 4, that the rejection is a reconstruction in light of Applicant's disclosure; Moritani et al disclose the coextrusion of an EVOH polyamide blend with a second layer that may be a nylon layer, Applicant argues, but this is very different from the claimed package.

However, as stated above, the rejection does not state that coextrusion is a known form of lamination; the rejection only states that coextrusion and lamination are interchangeable the rejection is not, therefore, a reconstruction in light of Applicant's disclosure; furthermore, because Moritani et al disclose the coextrusion of an EVOH polyamide blend with a second layer that may be a nylon layer, Moritani et al disclose the coextrusion of two polyamide layers, as claimed.

Applicant also argues, on page 5, that the mere fact that Ohba et al discloses a seal layer of nylon 6,66 does not mean that they possess an overall film having a heat seal strength of the overall polyamide film of at least 700 grams, especially because the layer of Ohba et al is not coextruded.

However, the meaning of the term 'overall' is unclear; in other words, it is unclear why the claimed seal layer of nylon 6,66 does not have the same heat seal strength of the disclosed seal layer of nylon 6,66, although the claimed layer is coextruded; furthermore, Applicant has provided no evidence to show that coextrusion provides a superior seal strength to lamination.

Applicant also argues, on page 5, that the grounds for rejection of Claims 6 – 8, 11 – 12, 16 – 17, and 20 – 21 are insufficient because Ohba et al do not disclose coextrusion.

However, as stated above, coextrusion is disclosed by Moritani et al.

Applicant also argues on page 5 that Ohba et al do not disclose a film which is nylon or coextruded.

However, as stated on page 4 of the previous Action, Reading teaches the making of perforations (column 2, lines 24 – 29) in a package for food (column 1, lines 8 – 16) which is used for the boiling of the food (column 2, lines 11 – 17) for the purpose of obtaining a package that releases pressure that develops (column 2, lines 24 – 29). One of ordinary skill in the art would therefore have recognized the advantage of providing for the perforations of Reading in Ohba et al and Moritani et al, which is a package for food, depending on the desired release of pressure of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for perforations in Ohba et al and Moritani et al in order to obtain good adhesion to obtain a package that releases pressure that develops as taught by Reading.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 4/17/06

Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772